

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.
2020 FEB -6 AM 9:11

UNITED STATES OF AMERICA)

v.)

JOE PERRY GARRETT,)

Defendant.)

CASE NO. CR499-133

CLERK
SO. DIST. OF GA.

O R D E R

Before the Court is Defendant Joe Perry Garrett's Motion to Correct Clear Error (Doc. 810), the Government's Motion to Strike Defendant Garrett's Pro Se Motion (Doc. 811), and Defendant's Counsel's Motion to Withdraw as Attorney (Doc. 813).

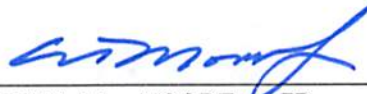
In his motion to Correct Clear Error, Defendant argues that the Court made an error in its Order reducing Defendant's sentence pursuant to the First Step Act (Doc. 809) in that the Court incorrectly found Defendant to be a career offender. (Doc. 810 at 2.) Defendant argues that the Pre-Sentence Investigation Report ("PSR") incorrectly listed one of his prior state convictions as "Possession with Intent to Distribute" when he actually only pled guilty to Simple Possession of a Controlled Substance. (Id.) Accordingly, Defendant contends that this offense cannot serve as a predicate offense for designating him a

career offender and he must be resentenced. In response, the Government filed its Motion to Strike and requested this Court strike Defendant's above motion because it was filed pro se while Defendant was still represented by counsel. (Doc. 811 at 1-2.) The Government did not address the merits of Defendant's Motion to Correct Clear Error. Subsequently, Defendant's counsel, Brandon Sample and Laura Hastay, filed a Motion to Withdraw as Attorney. (Doc. 813.) In the motion, Defendant's attorneys note that Mr. Sample was retained by Defendant Garrett in a limited basis for the presentation of a motion for reduction in sentence pursuant to the First Step Act. (Id. at 1.) As that motion has been addressed by the Court, Defendant's attorneys now seek to withdraw from the case. (Id. at 1-2.) Defendant has not objected to the withdrawal.

Accordingly, the Motion to Withdraw as Attorney (Doc. 813) is **GRANTED**. The Clerk of Court is **DIRECTED** to remove Brandon Sample and Laura Hastay as counsel for Defendant Garrett in this case and forward a copy of this order to Defendant Garrett. As a result, this Court **DISMISSES AS MOOT** the Government's Motion to Strike (Doc. 811) as Defendant Garrett is now pro se. Because the Government did not substantively address Defendant Garrett's contentions in his Motion to Correct Clear Error, the Government is

DIRECTED to respond to Defendant's motion within **thirty**
(30) days of the date of this Order.

SO ORDERED this 5th day of February 2020.

A handwritten signature in blue ink, appearing to read "W. Moore, Jr.", is written above a horizontal line.

WILLIAM T. MOORE, JR.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA